UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

| BLACK EMERGENCY RESPONSE TEAM, et al. Plaintiffs, |))) |
|--|---------------------------|
| v. |) Case No. 5:21-cv-1022-G |
| JOHN O'CONNOR, in his official capacity As Oklahoma Attorney General, et al., |) Hon. Charles B. Goodwin |
| Defendants. |))) |

PLAINTIFFS' MOTION FOR LEAVE TO FILE EXHIBIT UNDER SEAL

Plaintiffs Black Emergency Response Team (BERT), *et al.*, respectfully request leave, pursuant to Fed. R. Civ. P. 5.2(d) and Western District of Oklahoma Local Rule 12.2, to file under seal Exhibit A to their Reply to Defendants' Response to Plaintiffs' Supplemental Submission in Support of Their Motion for Preliminary Injunction.

The exhibit that Plaintiffs seek to file under seal contains a link to and login credentials for the training given to teachers at Tulsa Public Schools that led to the enforcement action described in Plaintiffs' Supplemental Submission in Support of Their Motion for Preliminary Injunction. *See* Dkt. 83. The login credentials were provided by Vector Solutions, the third-party vendor that created the training, and were uniquely created for this Court.

Whether documents "should be sealed . . . is a matter left to the sound discretion of the district court." *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007). The presumption in favor of public access to judicial documents "may be overcome where countervailing interests heavily outweigh the public interests in access." *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1241 (10th Cir. 2012) (internal citation and quotations omitted).

Vector Solutions has stated to Plaintiffs its objection to publicly filing any copies or screenshots of slides included in the training that Plaintiffs have in their possession because of its proprietary interest in the contents of the slides and the training materials. As such, Plaintiffs obtained a unique login for this Court to obtain virtual access to the training materials. Plaintiffs request leave to file the exhibit under seal to give the Court the opportunity to be able to access the Tulsa Public Schools training at issue in full.

Plaintiffs note that the Court previously granted a similar motion by Defendants [1-18] seeking leave to file under seal an exhibit containing certain of the slides for the Tulsa Public Schools training. *See* Dkts. 88, 89. The exhibit submitted by Defendants did not include all of the slides comprising the training. The exhibit that Plaintiffs seek to file under seal with this motion would provide the Court access to all the slides as well as the accompanying audio portion for the training.

Dated: September 14, 2022

Genevieve Bonadies Torres
David Hinojosa
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW
1500 K Street NW, Suite 900
Washington, DC 20005
gbonadies@lawyerscommittee.org
dhinojosa@lawyerscommittee.org

Gary Stein
Sara Solfanelli
Ramya Sundaram
SCHULTE ROTH & ZABEL LLP
919 Third Avenue
New York, NY 10022
gary.stein@srz.com
michael.cutini@srz.com
sara.solfanelli@srz.com
amir.shakooriantabrizi@srz.com
ramya.sundaram@srz.com

Respectfully submitted,

/s/Megan Lambert
Megan Lambert
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF OKLAHOMA
P.O. Box 13327
Oklahoma City, OK 73113
Tel.: 405-524-8511
mlambert@acluok.org

Emerson Sykes
Leah Watson
Sarah Hinger
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
esykes@aclu.org
lwatson@aclu.org
shinger@aclu.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2022, I electronically filed the foregoing Plaintiffs' Motion to For Leave to File Supplemental Papers with the Clerk of Court via the Court's CM/ECF system, which effects service upon all counsel of record.

Respectfully submitted,

/s/ Megan Lambert
Megan Lambert
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF OKLAHOMA
P.O. Box 13327
Oklahoma City, OK 73113

Tel.: 405-524-8511 mlambert@aclu.ok.org

Counsel for Plaintiffs